

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Friedrich *et al*

Application No.: 09/680,959

Filed: October 4, 2000

Title: Novel Mutated Mammalian Cells and Animals

Group Art Unit: Unknown

Attorney Docket No.: LEX-0051-USA



**RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF APPLICATION - FILING DATE GRANTED**

Commissioner for Patents  
Washington, D.C. 20231  
Attention: Box Missing Parts

10/09/2001 SDIRETA1 00000001 500892 09680959  
Sale Ref: 00000002 DAN: 500892 09680959  
01 FC:101 740.00 CH  
02 FC:105 130.00 CH  
03 FC:118 1440.00 CH

Sir:

In response to the "Notice to File Missing Parts of Application - Filing Date Granted" ostensibly mailed by the U.S. Patent and Trademark Office on April 2, 2001, Applicants submit the following documents to complete the filing requirements of the above-identified application:

1. Executed Declaration and Power of Attorney; and
2. Return copy of Notice to File Missing Parts of Application - Filing Date Granted.

Applicants also submit herewith the following document for the above-identified application:

3. Petition for Extension of Time of four months;

The U.S. Patent and Trademark Office is hereby authorized to charge the following fees to Lexicon Genetics Incorporated Deposit Account No. 50-0892:

- |   |          |
|---|----------|
| 1. Statutory basic filing fee   | \$740.00 |
| 2. Surcharge Fee for filing declaration on a date later than the filing date of the application per 37 CFR 1.492(e) | \$130.00 |

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03 FC:118 1440.00 CH

**TOTAL**

**\$870.00**

3. The Commissioner is hereby authorized to charge any additional fees associated with this paper communication or credit any overpayment to Deposit Account No. 50-0892.

**BEST AVAILABLE COPY**

During a routine check of our (Applicant's representative's) patent files, it was discovered that we had not yet received a filing receipt for the above-identified application. We then contacted the United States Patent and Trademark Office (USPTO) on September 5, 2001 to inquire about the status of the application. Upon speaking with a USPTO representative, we were informed that USPTO records indicate that a filing receipt was mailed on August 2, 2001 (which we have not yet received), and, more to our consternation, that a Notice to File Missing Parts of Nonprovisional Application (the "Notice") had apparently been mailed by the USPTO on April 2, 2001. To date, we have not received the mailed Notice, and we finally received a faxed version of the Notice on September 10, 2001 after making a second request to a USPTO representative (a Mr. Preston Wallace). At the time, Mr. Wallace indicated that the USPTO would be generating a new Missing Parts notice and send it to us. We have not yet received the new Missing Parts notice, and given the past difficulties in receiving USPTO correspondence relating to this file (which is not a problem with several hundred other files we presently have pending in the USPTO) coupled with events of the following day (September 11, 2001), this should not be unduly surprising. Just in case the above-mentioned new Missing Parts notice has not yet been generated and mailed to Applicants, we are responding to the Notice that we first received on September 10, 2001.

One potentially complicating matter is that one of the inventors of the above-identified application (Glenn Friedrich) left the country and has made multiple moves since ending employment with the Assignee of the above-identified application. Because of late receipt of the Notice (we typically docket sending out formal documents for signature on the date of receipt of the notice to file missing parts), we have not yet been able to ascertain Mr. Friedrich's current whereabouts and have thus far been unable to secure his executed declaration. Given that we do not presently have reason to believe that Mr. Friedrich is deceased and/or have not heard that he is unwilling to cooperate with our efforts on his behalf, we are sending those executed formal documents presently in our possession in a bona fide attempt respond to the Notice.

Subject to the foregoing explanations, the documents submitted herewith complete the filing of the above patent application. This form is being submitted in duplicate.

Respectfully submitted,

October 2, 2001  
Date

REG. NO. 41,071  
DAVID W. HIBLER  
*Lance K. Ishimoto by David W. Hibler*  
Lance K. Ishimoto Reg. No. 41,866

LEXICON GENETICS INCORPORATED  
4000 Research Forest Drive  
The Woodlands, TX 77381  
Telephone No.: (281) 863-3333

Enclosures



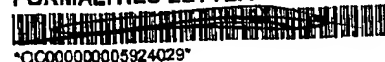
## UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/680,959	10/04/2000	Glenn Friedrich	LEX-0051-USA

 24231  
 LEXICON GENETICS INCORPORATED  
 4000 RESEARCH FOREST DRIVE  
 THE WOODLANDS, TX 77381

## FORMALITIES LETTER



\*000000005924029\*

Date Mailed: 04/02/2001

 due 6/2/01  
 NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

 FILED UNDER 37 CFR 1.53(b)  
 6mos 10/2/01

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 840.

A copy of this notice **MUST** be returned with the reply.

 Customer Service Center  
 Initial Patent Examination Division (703) 308-1202  
 09680959 PART 3 - OFFICE COPY

10/09/2001 SDIRETA1 00000002 500892


 01 FC:101 740.00 CH  
 02 FC:105 130.00 CH

file://C:\APPS\PreExam\correspondence\2\_C.xml

3/30/01

10-03-01

Box 500 Sector 1/4

Please type a plus sign (+) inside this box → 

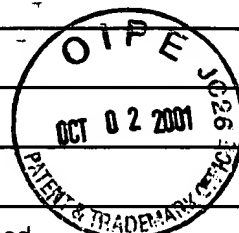
PTO/SB/21 (08-00)

Approval for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<h1>TRANSMITTAL FORM</h1> <p>(to be used for all correspondence after initial filing)</p>	Application Number	09/680,959	
	Filing Date	10/04/00	
	First Named Inventor	Friedrich	
	Group Art Unit	Unknown	
	Examiner Name	to be assigned	
Total Number of Pages in This Submission	13	Attorney Docket Number	LEX-0051-USA



ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	return postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	EXECUTED DECLARATION - TWO SETS VERIFIED STATEMENT AND SEQUENCE LISTING ON DISK
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Lance K. Ishimoto Reg. No. 41,866 Lexicon Genetics Incorporated
Signature	<i>Lance K. Ishimoto by David W. Hubler</i> DAVID W. HUBLER REG. NO. 41,071
Date	October 2, 2001

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as express mail, Express Mail No. EL747066233US, in an envelope addressed to: Commissioner for Patents, Box Missing Parts, Washington, D.C. 20231 on this date:			
		October 2, 2001	
Typed or printed name	Michelle Klein		
Signature	<i>Michelle Klein</i>	Date	October 2, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.